

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RICHARD JAMES STUKE,

Plaintiff,

v.

ORDER

Civil File No. 11-141 (MJD/SER)

LEONARD STREET & DEINARD,
JEFFREY A. EHRICH, Leonard
Street and Deinard attorney; JOEL
E. ABRAHAMSON, Leonard Street
and Deinard attorney; and UNION
GOSPEL MISSION, the "Mission;"

Defendants.

Richard James Stuke, pro se.

Keith S. Moheban, Leonard Street and Deinard, PA, Counsel for Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated May 10, 2011 [Docket No. 42] and the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated May 20, 2011 [Docket No. 58]. Plaintiff has filed objections.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Reports and Recommendations of United States Magistrate Judge Rau dated May 10, 2011, and May 20, 2011.

On May 20, 2011, after the second Report and Recommendation was filed, Plaintiff submitted a number of documents, found at Docket No. 60, including an acknowledgment from the Minnesota Secretary of State, dated May 19, 2011, of the receipt of documents to be served on the "Union Gospel Mission c/o Leonard Street and Deinard." Leonard Street and Deinard is not authorized to accept service on behalf of the Union Gospel Mission; nor is there evidence that the documents served included a valid Summons and Complaint. None of the documents submitted by Plaintiff demonstrate proper service of any of the Defendants in this matter by the May 29, 2011 deadline. Nor do any of the documents mailed to Leonard Street and Deinard, and filed by Defendants at Docket No. 69, constitute a valid Summons and Complaint. Therefore, the Court adopts the May 20 Report and Recommendation's finding that Plaintiff has failed to serve any of the Defendants in this matter in the time allotted by the Federal Rules of Civil Procedure.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The Court **ADOPTS** Magistrate Judge Steven Rau's Report and Recommendation dated May 10, 2011 [Docket No. 42].
2. The Court **ADOPTS** Magistrate Judge Steven Rau's Report and Recommendation dated May 20, 2011 [Docket No. 58].
3. Plaintiff's Motions for Default Judgment [Docket Nos. 8, 11] are **DENIED**.
4. Plaintiff's Motions for Declaratory Judgment [Docket Nos. 7, 23, 24, 28] are **DENIED**.
5. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 22, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court